

REMARKS

This Amendment is filed responsive to an Office Action mailed June 15, 2001, with a shortened three-month response period. Applicant hereby affirms the election with traverse to prosecute the invention of Species IV, Claims 25-43, and the withdrawal with traverse of Claims 1-24, as being drawn to a non-elected invention. By this Amendment, Claims 25-44 are pending. Claims 25, 28, 35 and 37 have been amended, and new Claim 44 has been added. No new matter has been added. No additional fee is due. Furthermore, a copy of the International Search Report (previously faxed to the Examiner) is enclosed herewith.

Applicant has amended the specification to clarify the claim for priority as a continuation-in-part, rather than as a divisional application. It is respectfully submitted that as a result of this Amendment, all bases of objection and rejections pursuant to paragraphs 3, 8, 9, 10, 11 and 12 of Office Action Paper No. 3, including the objection to the specification and Claims 30, 32-34 and 39-41 under 37 CFR §1.71, and the rejection of Claims 32-34 and 41-43 under 35 USC §112 first paragraph are traversed and overcome.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "380" has been used to designate both scanner (37:22) and interface (37:25). By this amendment, the specification has been amended, and the drawing of FIG. 5A has been corrected to recite the interface (37:25) and 390. Correction has been made, and the objection to the drawings under 37 CFR 1.84(p)(4) has been overcome and traversed.

The Examiner objected to the drawings under 37 CFR 1.83(a), stating that "the drawings must show every feature of the invention specified in the claims." The Examiner states that "The claimed functional steps (Claims 25-34). The drawings show claimed structure, but there is a lack of illustration in the drawings for the claimed functionality. This is neither a written description nor an enablement issue, but rather, it pertains to a rule for illustrating to the public the claimed invention."

By this Amendment, Fig. 5A of the drawings and respective portions of the specification have been amended and Figs. 5C-5H have been added and respective portions of the specification have been amended to further illustrate the claimed functionality responsive to the Examiner's objection. No new matter has been added.

While being responsive to the Examiner's objections, it is respectfully submitted that the drawings as originally filed show the features of the invention specified in the claims.

It is respectfully submitted that all bases of objection of the drawings under 37 CFR 1.83(a), as to Claims 25-34, have been overcome and traversed for the reasons as discussed above. No new matter has been entered.

By this Amendment, and a concurrent letter to the Official Draftsman, Figs. 5A is amended, and Figs. 5C - H are added, consistent with the specification as filed. No new matter is added.

It is therefore respectfully submitted that all bases of objection to the drawings under 37 CFR §1.83(a) are overcome and traversed.

Claims 25-43 are objected to "because of the following informalities: The phrase 'other program data' (Claims 25, 28, 35, 37) is unclear. . . ."

By this Amendment, the term "other program data," in each of Claims 25 and 35, has been replaced with "program data comprising at least one of a plurality of story-lines, a plurality of characters and a plurality of images." Antecedent basis is found in the specification. (See for example, pg. 57, lines 13-18.) Furthermore, "the other program data" has been replaced with "the program data" in Claims 28 and 37.

It is therefore respectfully submitted that all bases of objection for informalities have been traversed and overcome.

The specification is objected to in Paper No. 3, numbered paragraphs "8, 9, 10, 11 and 12," under 37 C.F.R. 1.75(d)(1), 37 C.F.R. 1.71 (a)(c) and 35 U.S.C. §112, first paragraph, respectively, for the claimed subject matter of Claims 30, 32, 33, 34, 39, 41, 42 and 43. It is

respectfully submitted that all bases of objection are overcome and traversed, by reason of this amendment of priority status as a continuation-in-part application.

Applicant wishes to call the Examiner's attention to the attached document entitled, "Amendment A--Changes Marked to Claims as Originally Filed," wherein all changes have been either stricken (removed verbiage) or underlined (added verbiage) as relate to the amendment of the originally filed patent application.

Claims 25-28, 33-37, 42 and 43 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Bloch et al. (4,688,105). Claims 25-27, 33-36, 42 and 43 are rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's background or admitted prior art. Claims 29-32 and 38-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bloch et al. (4,688,105).

By this Amendment, Claims 25 and 35 have been amended and are clearly patentably distinguishable over Bloch et al. and all art of record.

It is respectfully submitted that, as amended, the Applicant's pending claims 35-44 are patentably distinguishable and patentable over all art of record, alone or in combination, and that all bases of objection and rejection of the pending claims under 35 U.S.C. §102(a) and 35 U.S.C. §102(b) as being anticipated by Bloch et al. (4,688,105) and the Applicant's background or admitted prior art are traversed and overcome; or under 35 U.S.C. §103(a) as being unpatentable over Bloch et al. (4,688,105) are traversed and overcome.

It is respectfully submitted that by this Amendment and for the reasons as discussed herein, all bases of rejection of all pending claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) are traversed and overcome.

By this Amendment, and by Amendments to co-pending applications 09/184,600 and 09/415,233, Applicant has maintained a clear line of demarcation as required (see M.P.E.P §822) between these co-pending applications.

The Examiner stated that Claims 25-43 of this application conflict with Claims 67-71 of Application Serial No. 09/184,600.

By this Amendment, any such conflict or potential conflict has been traversed and overcome.

Claims 25-43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-59 of U.S. Patent No. 5, 553, 864.

By this Amendment, all bases of this rejection are overcome.

Applicant respectfully submits that these rejections are improper relative to the claims as amended, and it is respectfully submitted that Applicant has overcome and traversed all bases of rejection of all pending claims under the judicially created doctrine of obviousness-type double patenting.

The prior art made of record and not relied upon has been reviewed and is deemed less relevant than and cumulative to the other art of record.

For the reasons as discussed, all bases of rejection and objection are traversed and overcome. It is respectfully submitted that all claims pending in the application are now allowable and in proper form for allowance.

The Examiner is invited to communicate directly with the undersigned via phone as would be of assistance to expediting prosecution of this matter.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David H. Sitrick)
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For: System and Methodology for)
Integrating User Data Into a)
Separate Display Presentation)
)
Serial Number: 09/415,986)
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Filed: October 12, 1999)
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Examiner: M. Sager)
)
Art Unit: 3713)
)
Attorney Docket: STD 1748)

AMENDMENT A--CHANGES MARKED TO CLAIMS AS ORIGINALLY FILED

25. (Amended) A method of integrating data into a predefined source; to create a customized presentation, the method comprising:

providing user data;

providing a predefined source, wherein the source comprises audiovisual program content and ~~other~~ program data; comprising at least one of and a plurality of story-lines, and a plurality of characters;

selecting at least one of a portion of the audiovisual program content as a selected portion for associative integration of the user data and a portion of the program data as a selected portion for utilization in creating the customized presentation; ~~responsive to the other program data as a selected portion for user data associative integration;~~

integrating the user data with the selected portion ~~responsive to the other program data;~~ and of the audiovisual program content; and

providing a modified output content of the customized presentation in an audiovisual format responsive to ~~the~~ associating and integrating the user data is associated into the selected portion of the audiovisual program content; and responsive to the selected portion of the program data.

28. (Amended) The method as in claim 25, wherein the user data additionally comprises a plurality of user images, the method further comprising:

selecting at least one of the plurality of user images for selective integration into the modified output content, responsive to the ~~other~~ program data.

35. (Amended) A system for integrating data into a predefined source to create a customized presentation, the system comprising:

a source of user data;

a source of program content, wherein the program content comprises audiovisual program content and ~~other~~ program data; comprising at least one of a plurality of story-lines and a plurality of characters;

selection means, coupled to the source of program content, providing for selection of a selected portion of the audiovisual program content ~~responsive to the other program data;~~

additional selection means for selecting at least a portion of the program data as a selected portion of the program data;

integration means, coupled to the selection means, the source of program content, the additional selection means and the source of user data, for providing an integrated modified output of the customized presentation content wherein the user data is integrated into the selected portion of the ~~output~~ content, and wherein the ~~output content is provided in a format suitable as a source of program content.~~ program data is utilized to create the customized presentation.

37. The system as in claim 35, wherein the user data additionally comprises a plurality of user images, and wherein the integration means additionally comprises means to selectively integrate ones of the plurality of the user images responsive to the ~~other~~ program data into the modified output content.